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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,158	01/27/2005	Craig George Cockerton	290627US8PCT	7419
22850 7590 01/15/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER RAMAKRISHNANAH, MELUR				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 01/15/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

## Application No.

10/500,158

## Applicant(s)

COCKERTON, CRAIG GEORGE

## Examiner

Melur Ramakrishnaiah

## Art Unit

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 37-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63-68, 71-74 and 77-80 is/are allowed.
- 6) ☒ Claim(s) 37-46, 69, 70, 75, 76 and 81 is/are rejected.
- 7) ☒ Claim(s) 47-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6-25-04, 7-29-06, 9-27-06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 37, 45, 70, 76, are rejected under 35 U.S.C 102(b) as being anticipated by McDougall et al. (US PAT: 5,999,966, hereinafter McDougall).

Regarding claim 37, McDougall discloses a method of encoding audio visual signals characterized by the steps of: receiving a videoconference transmission from a computer network (18, fig. 1, col. 6 lines 9-15), the videoconference transmission including at least one of visual signal and at least one of protocol signal (reads on control signals), reading one or more protocol signals, and applying a selected coding process to received audio visual signal, the encoding process being selected depending on the contents of at least one protocol signal read (figs. 1-2, col. 2 lines 35-46; col. 3 lines 16-30; col. 8 lines 16-63; claims 22-23).

Regarding claims 45, 70, 76, McDougall further teaches the following: protocol signal (reads on control signal) provides information regarding any combination of following parameters associated with an audio visual signal of a video conference transmission such audio codec employed, video codec employed, the video information frame rate and /or resolution etc (claims 22-23), a processor (40, fig. 2) arranged for performing method of claim 37, a storage medium in (40, fig. 2) containing therein a

program, when executed by a computer, causes the computer to perform a method of claim 37 (figs. 1-2, col. 2 lines 35-46; col. 8 lines 16-63; claims 22-23).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38-44 rejected under 35 U.S.C. 103(a) as being unpatentable over McDougall in view of Beavers et. al. (US 2004/0003040A1, Provisional application No. 60/392898, filed on July 1, 2002, hereinafter Beavers).

McDougall differs from claims 38-40, 42 in that he does not teach the following: producing encoded output signal for a software player application, encoded output is adapted to be played to users not directly participating in the videoconference, adapted to provide an encoded output file or files, encoded output is adapted to be played using a computer system.

However, Beavers discloses interactive computer network based video conferencing system and process which teaches the following: producing encoded output signal for a software player application, encoded output is adapted to be played to users not directly participating in the videoconference, adapted to provide an encoded output file or files, encoded output is adapted to be played using a computer system (paragraphs: 0009, 0017-0018; paragraph: 0077).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify McDougall's system to provide for the following: producing encoded output signal for a software player application, encoded output is adapted to be played to users not directly participating in the videoconference, adapted to provide an encoded output file or files, encoded output is adapted to be played using a computer system as this arrangement would facilitate to audio and video of conference using a computer using its software as taught by Beavers.

Regarding claims 41, 43-44, McDougall teaches the following: adapted to provide an encoded output transmission, encoded output is distributed over a computer network (18, fig. 1), apparatus used to provide the encoded output forms a videoconference end point (for example 12, fig. 1, col. 5, line 64-col. 6, line 29).

5. Claim 46 rejected under 35 U.S.C. 103(a) as being unpatentable over McDougall in view of Furlan et al. (US PAT: 6,741,250, filed 10-17-2001) hereinafter Furlan.

McDougall differs from claim 46 in that he does not teach content of the read protocol signal is used to detect the time position of at least one key frame within audio visual signal of the videoconference transmission.

However, Furlan discloses method and system for generation of multiple viewpoints which teaches the following: detect the time position of at least one key frame within visual signal (col. 14 lines 59-65).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify McDougall's system to provide for the following: content of the read protocol signal is used to detect the time position of at least one key frame

within audio visual signal of the videoconference transmission as this arrangement would facilitate to determine view position for displaying video as taught by Furlan.

6. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDougall in view of Caugherty (US PAT: 6,597,702, filed 5-6-1999).

Regarding claim 69, McDougall discloses method of encoding audio visual media signals characterized by the steps of: receiving a videoconference transmission from a computer network (18, col. 5, line 64 – col. 6, line 16), the video conference transmission including at least audio signal and at least one video signal (col. 7 lines 10-20), reading one or more protocol signals (reads on control signals) to determine the encoding characteristic of the received video conference transmission (figs. 1-2, col. 2 lines 35-46; col. 3 lines 16-30; col. 8 lines 16-63; claims 22-23).

McDougall differs from claim 69 in that he does not specifically teach receiving encoding preference from at least one user.

However, Caugherty discloses fast contact option for enforcing symmetric codec capabilities which teaches the following: receiving encoding preference from at least one user (col. 3, line 65-col. 4, line 15).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify McDougall's system to provide for the following: receiving encoding preference from at least one user as this arrangement would facilitate to improve resource utilization, and reduces overhead as taught by Caugherty (see abstract).

Regarding claims 75 and 81, the combination teaches the following: a processor (40, fig. 2 of '966 and fig. 4 of /702) arranged for performing method of claim 69, storage medium in (40, fig. 2 of '966 and figs. 4-5 of '702) containing therein, when used by a computer, causes the computer to perform the method of claim 69.

7. Claims 47-60, 61-62, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 63-68, 71-74, 77-80 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Melur Ramakrishnaiah/  
Primary Examiner, Art Unit 2614